


UNITED STATES DISTRICT COURT

for the

Northern District of Texas

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2020 JUN -2 PM 1:13

DEPUTY CLERK 

United States of America

v.

Case No.

Emmanuel Quinones

5 - 20MJ - 0056*Defendant(s)***CRIMINAL COMPLAINT**

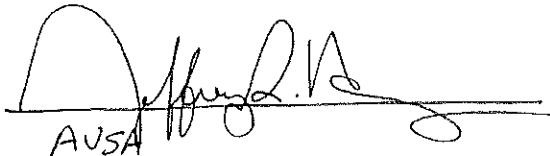

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 28, 2020 in the county of Lubbock in the
Northern District of Texas, the defendant(s) violated:*Code Section**Offense Description*Title 18, United States Code,
Section 875(c)

Interstate Threatening Communications

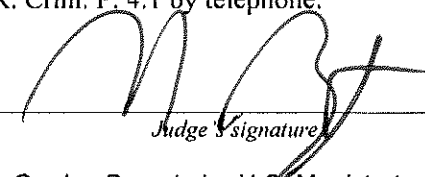
This criminal complaint is based on these facts:

see attached affidavit in support of complaint.

☒ Continued on the attached sheet.
AVSA
Complainant's signature
Allen Pack, FBI Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date:

6/2/20
Judge's signature
D. Gordon Bryant, Jr., U.S. Magistrate Judge
Printed name and title

City and state:

Lubbock, Texas

Print

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Attach

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AFFIDAVIT IN SUPPORT OF COMPLAINT

Affiant's Background and Experience

Affiant has been a Special Agent with the FBI since 2008, and is currently assigned to the Dallas Field Division, Lubbock Resident Office. During the Affiant's time with FBI, the Affiant has been assigned to the FBI Knoxville, San Juan, and Dallas Divisions. During this time, the Affiant has investigated numerous federal violations. Affiant has received training and has experience in interviewing and interrogation techniques, arrest procedures, search and seizure, search warrant applications and various other investigative techniques.

The information contained in this affidavit is based upon my personal experience and information relayed to me by other law enforcement officers involved in this investigation. Because this affidavit is submitted for the limited purpose of establishing probable cause to believe a crime has been committed and that the defendant committed it, I have not included each and every fact known to me in this affidavit.

Title 18, United States Code, Section 875(c)

Title 18, United States Code, Section 875(c), makes it a crime for anyone to send or transmit a threat to injure the person of another in interstate or foreign commerce. There are three elements of this offense:

First: That the defendant knowingly sent or transmitted a communication containing a threat to injure the person of another, as charged;

Second: the defendant transmitted the communication either with the purpose of issuing a true threat or with knowledge that the communication would be understood as a true threat, as defined in these instructions; and

Third: That the communication was sent in interstate or foreign commerce.

A “threat” is a serious statement expressing an intent to injure any person, which under the circumstances would cause apprehension in a reasonable person, as distinguished from mere idle or careless talk, exaggeration, or something said in a joking manner.

Postings on Facebook are sent in interstate or foreign commerce because transmitting messages by means of the Internet is tantamount to moving messages across state lines and thus constitutes transportation in interstate commerce. *Cf. United States v. Runyan*, 290 F.3d 223, 239 (5th Cir. 2002) (holding that use of Internet, in and of itself, constitutes interstate transportation sufficient to satisfy the interstate commerce element of 18 U.S.C. § 2251); *see United States v. Elonis*, 897 F. Supp.2d 335, 343-44 (E.D. Pa. 2012), *overruled on other grounds by Elonis v. United States*, 575 U.S. 723 (2015) (holding same in the context of 18 U.S.C. § 875(c)).

Facts Establishing Probable Cause

On May 28, 2020, at about 6:34 a.m., Emmanuel Quinones posted the following on Facebook:

While a race riot erupted in Minneapolis the President literally retweeted a video of one of his supporters saying the only good Democrat is a dead Democrat. These people are PUSHING for America to rip itself to shreds. Disgusting. I'll tell you right now if you keep provoking regular people we'll make sure you never cross that line ever again. I guarantee it. #MountUp

On that same date, at 9:52 a.m., Quinones re-posted the below from Palmetto State Armory and above that post stated: "Gonna get some more of these to off racists and MAGA people".



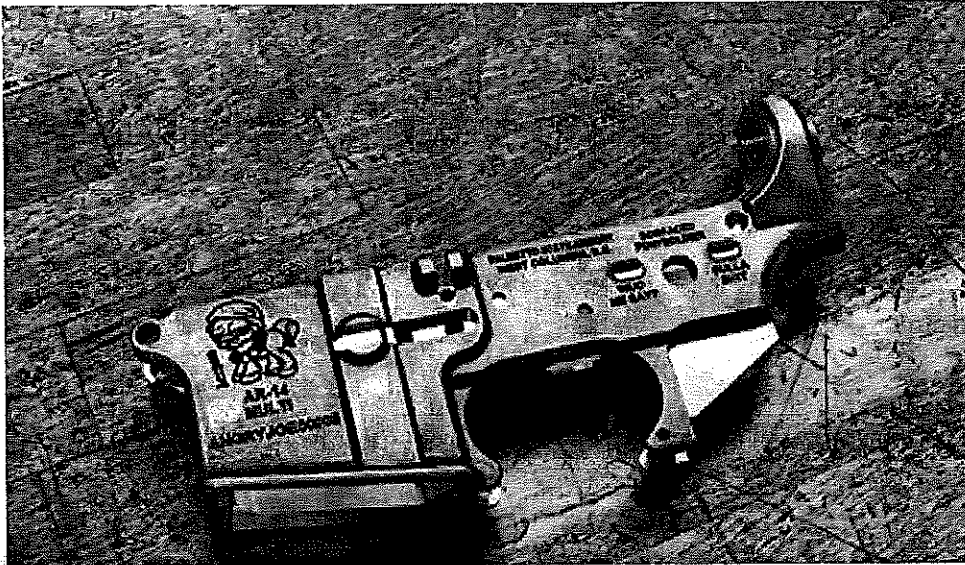
Palmetto State Armory
May 28 at 7:52 AM · 🌐

UPDATE ON ANGRY JOE LOWERS

It took a little longer than normal, but the ATF has given its blessing to the Angry Joe variance (the required approval of any new model lower we produce).

We are putting them in production now, and then sending them to anodizing - the final step before they ship out.

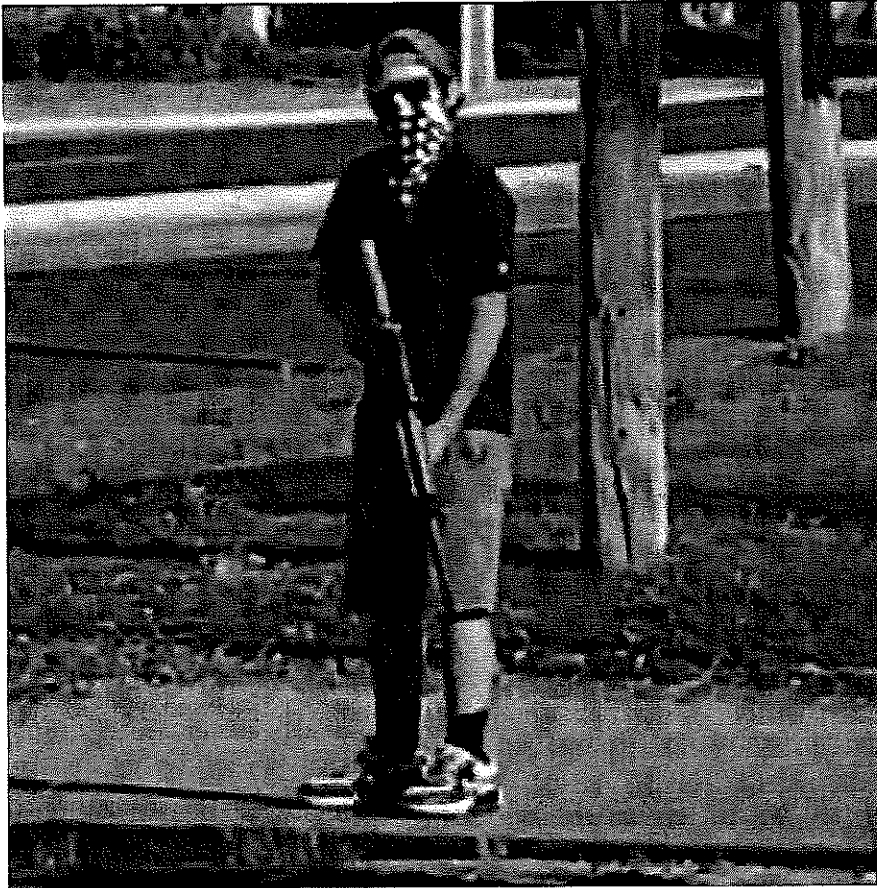
You can expect them to head your way in about 7 to 14 days.



The “Angry Joe Lower” is a stripped lower receiver for a .223/5.56 AR-15-style rifle.

On May 30, 2020, Quinones appeared across the street from a peaceful protest at 19th Street and University Avenue, Lubbock, Texas, over the recent death of George Floyd. Quinones was holding an assault rifle.¹ Quinones was holding the rifle at the “low ready” position, which is where the shooter holds the rifle in a firing position with the muzzle pointed towards the ground (see below photograph).

¹ Although Texas is an open-carry state, it is illegal under section 42.01(a)(8) of the Texas Penal Code to display a firearm in a public place “in a manner calculated to alarm.”



Lubbock Police Department (LPD) officers saw the crowd of protesters (approximately 100 persons) began to panic and took action to stop Quinones's breach of the peace.

Quinones refused to obey commands by an LPD officer to drop the rifle. Only when the LPD officer drew his pistol did Quinones drop the rifle. A protester then tackled Quinones and LPD officers took Quinones and the protester into custody. While being taken into custody, Quinones shouted words to the effect that: "this is a revolution" and "President Trump must die."

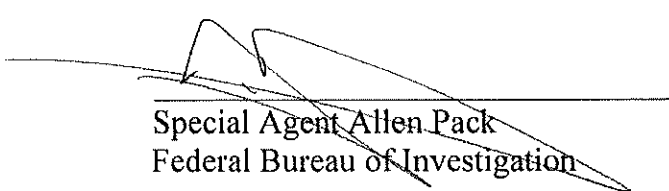
A later examination of Quinones's rifle revealed that it was a Smith and Wesson, Model MP-15, .223 caliber, semi-automatic rifle, with a loaded magazine of .223 caliber ammunition.

On June 1, 2020, myself and special agents with the United States Secret Service interviewed Quinones. Quinones admitted to making the Facebook posts in this affidavit. He stated that he made them to "intimidate" Trump and MAGA (Make America Great Again) instigators. Quinones stated that he went to the protest on May 30, 2020, to protect the protesters from counter-protesters, who he referred to as Trump/MAGA instigators and others. Quinones stated that if counter-protesters had shown up at the protest, then he would have used his rifle to shoot them and protect the protestors. Quinones claimed that LPD would not have been able to identify the Trump/MAGA instigators, but that he could have. Quinones also believed that there were groups of anti-protesters, who had a scheme to disrupt protests, spur law enforcement into action, and spark a conflict that would destabilize or destroy the nation. Quinones stated that he could identify such groups and that he would have used his rifle to prevent them from accomplishing their goals.

On June 1, 2020, Quinones gave law enforcement consent to search his residence. Law enforcement recovered approximately 700 rounds of .223 ammunition all loaded into magazines and approximately 100 rounds of .40 caliber S&W pistol rounds. When law enforcement arrived at Quinones's residence to interview him, there was a .40 caliber pistol positioned next to the door in plain

view. Quinones indicated that he had it staged there in the event that his residence was attacked.

Based on my training, education, and experience, and the information provided to me, I believe that Emmanuel Quinones violated Title 18, United State Code, Section 875(c), by transmitting a threat to injure the person of another in interstate and foreign commerce.



Special Agent Allen Pack
Federal Bureau of Investigation

Pursuant to Federal Rules of Criminal Procedure 4.1 and 41(d)(3), the undersigned judicial officer has on this date considered the information communicated by reliable electronic means in considering whether a complaint, warrant, or summons will issue. In doing so, I have placed the affiant under oath, and the affiant has confirmed that the signatures on the complaint, warrant, or summons and affidavit are those of the affiant, that the document received by me is a correct and complete copy of the document submitted by the affiant, and that the information contained in the complaint, warrant, or summons and affidavit is true and correct to the best of the affiant's knowledge.

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone this 2nd day of June 2020.



D. GORDON BRYANT, JR.
UNITED STATES MAGISTRATE JUDGE